CONFERENCE ON DISARMAMENT

CD/1284
19 December 1994

ORIGINAL: ENGLISH

Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament on its work during the period 28 November to 16 December 1994

1. In accordance with the decision taken by the Conference on Disarmament as contained in paragraph 13(c) of the Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament, the Ad Hoc Committee held intersessional meetings during the period 28 November to 16 December 1994 under the Chairmanship of Ambassador Miguel Marín-Bosch of Mexico.

2. Working Group 1, under the Chairmanship of Ambassador Wolfgang Hoffman of Germany, considered various sections of the rolling text relating to general provisions on verification and the international monitoring system. The Working Group reached a preliminary common understanding on monitoring technologies to be used in an international monitoring system. The Working Group benefited from presentations made by delegations, including one on the International Data Centre as a possible element in the future comprehensive test ban treaty verification organization. In addition, under the Friend of the Chair, an Expert Group on On-Site Inspection met from 5 to 13 December and presented a report, "On-Site Inspection for the Comprehensive Test Ban Treaty: Phenomena, Technology, OSI Examples, Costs" (CD/NTB/WP.198).

3. Working Group 2, under the Chairmanship of Ambassador Ludwik Dembinski of Poland, considered various sections of the rolling text relating to the Organization which will be entrusted with the implementation of the Treaty. The Friend of the Chair on Organization presented a report on organizational issues and associated costs based on the experience of the IAEA and the OPCW (CD/NTB/WP.196).

4. In addition, Working Groups 1 and 2 held joint meetings on issues relating to the Organization, and a joint informal group discussed issues relating to the International Data Centre, which is reflected in CD/NTB/WP.197 and in an informal paper entitled "International Monitoring System" of 9 December 1994.

5. The results of the work undertaken during this period are contained in the attached revised pages of CD/1273/Rev.1.

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THE ORGANIZATION

1. The States Parties to this Treaty hereby establish [the Comprehensive [Nuclear] Test-Ban Treaty [(C[N]TBT)] Organization], hereinafter referred to as the "Organization", to achieve the object and purpose of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.

2. All States Parties to this Treaty shall be members of the Organization. [No State Party should be deprived of its membership in the Organization.]

3.1 The seat of the Organization shall be in [...] [Vienna].

[3.2 The Organization shall conduct its verification activities provided for under this Treaty in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Treaty. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Treaty and, in particular, shall abide by the provisions set forth in the Confidentiality Annex.] 1/

[4.1 The Organization shall conclude an agreement with the International Atomic Energy Agency (IAEA) through which the IAEA shall be entrusted with the verification responsibilities determined by this Treaty [and its Protocol] and with the rendering of all conference, logistic and infrastructural support required by the Organization.] 2/

[4.2 The Organization shall seek to benefit from existing international expertise and facilities where possible, and to maximize cost efficiencies, by developing a collaboration with the International Atomic Energy Agency and other bodies whereby functions of the Organization are delegated to the maximum degree consistent with adequate financial and resource management. Such arrangements (excluding those of a minor and normal commercial and contractual nature) are to be set out in agreements, which are to be submitted to the Conference of the States Parties for approval.] 3/

1/ The location of this paragraph shall be considered along with other provisions on verification.

2/ A delegation stated that a decision on the Organization could only be taken after a comparative cost estimate is made with regard to the various proposed options in this regard.

3/ Some delegations suggest that an option for the Organization might be an Organization entirely independent of the IAEA.

5. There are hereby established as organs of the Organization the Conference of the States Parties, hereinafter referred to as the "Conference", the Executive Council 4/ and the [Technical] Secretariat which shall include an International Data Centre. Subsidiary bodies may be established within the Organization according to the provisions of this Treaty.

7. The costs of the Organization's activities shall be paid by the States Parties in accordance with the United Nations scale of assessments adjusted to take into account differences in membership between the United Nations and this Organization [and subject to provisions of Articles ...]. [Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget. The budget of the Organization shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification costs. 5/]

8. A member of the Organization which is in arrears in the payment of its assessed contribution to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

The Conference of the States Parties

9. The Conference of the States Parties is composed of all States Parties. It is the principal organ of the Organization and shall:

(a) consider any questions, matters or issues within the scope of this Treaty, including those related to the power and functions of the Executive Council and the [Technical] Secretariat [as set out in the Treaty] [in accordance with this Treaty] [and may make recommendations and take decisions on any questions, matters or issues within the scope of this Treaty raised by a State Party or brought to its attention by the Executive Council];

(b) oversee the implementation of, and compliance with, this Treaty;

(c) oversee the activities of the Executive Council and of the [Technical] Secretariat; and

(d) [oversee the implementation of the Agreement between the Organization and the IAEA] [oversee the implementation of international agreements between the Organization and State Parties, other States and other international organizations] [including that referred to in Paragraph 4.1 above with the IAEA].

4/ Any reference to the Executive Council in the text of the Treaty is without prejudice to the decision on the existence of the Executive Council within the Organization.

5/ This might require further elaboration.

[(f) foster international cooperation for peaceful purposes in the field of nuclear activities.]

10. The Conference shall take decisions on matters of procedure, including decisions to convene special sessions of the Conference [, by a simple majority of the members present and voting. Decisions on matters of substance shall be taken [as far as possible] by consensus. [If consensus is not attainable, when an issue comes up for decision, the President of the Conference shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds majority of members present and voting unless specified otherwise in this Treaty.] When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance].

6. The Conference shall establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Treaty.

The Executive Council

11. The Executive Council, which is the executive organ of the [Organization] [Conference of the States Parties], shall:

(a) promote effective implementation of, and compliance with, this Treaty;

(b) carry out the powers and functions entrusted to it under this Treaty as well as those delegated to it by the Conference of the States Parties [in accordance with the Treaty];

(c) supervise the activities of the [Technical] Secretariat.

(d) [supervise the operation of the Agreement between the Organization and the IAEA;] [supervise the implementation of international agreements between the Organization and State Parties, other States and other international organizations] [including that referred to in Paragraph 4.1 above with the IAEA;] and

(e) provide a forum for [handling] [considering] complaints and allegations of non-compliance, [applications to conduct peaceful nuclear explosions] [or requests for [challenge] on-site inspections] [and approval of such requests by a two-thirds majority of all its members] [decide whether sufficient grounds exist for an on-site inspection] [based on the report of the [Technical] Secretariat, including the expert evaluation and recommendations regarding the suspected event].

[(f.1) oversee the international exchange of routine monitoring data among all States Parties through the activities of the International Data Centre; and]

[(f.2) make a judgement on the data information of possible non-compliance provided by the International Data Centre and preliminarily analyzed and assessed by the [Technical] Secretariat.]

[(g.1) receive, take any necessary action, and implement requests from States Parties for on-site inspections as provided for in the Protocol to this Treaty.]

[(g.2) examine and take decision on the request for conducting a peaceful nuclear explosion.]

[(h) examine and take decision on the request for conducting a challenge on-site inspection.]

[(i) review the final report of the challenge on-site inspection team and take decisions on, inter alia, whether any non-compliance has occurred, whether the request for the challenge on-site inspection had been within the scope of this Treaty, or whether the right to request a challenge on-site inspection had been abused.]

[12.1 The Executive Council shall consist of [41] [65] members. It shall comprise the members of the Board of Governors of the IAEA that are States Parties to this Treaty and additional members to be elected by the Conference for periods of two years, with due regard being given to an equitable geographical distribution. These additional members shall be elected from among States Parties to this Treaty which are not members of the Board of Governors of the IAEA, including those that are not members of the IAEA. The elections to the Executive Council are to be held after the elections of the Board of Governors and the tenure of the members of the Executive Council shall coincide with that of the members of the Board of Governors of the IAEA.]

[12.2 The Executive Council shall comprise ... States Parties elected for a period of two years by the Conference, [with due regard being given to an equitable [political] and geographical distribution] [on a rotational basis with no State Party excluded]. [Each of the nuclear-weapon States shall have a permanent seat therein.] [In addition, the States Parties that are nuclear-weapon States Parties to the Nuclear Non-Proliferation Treaty of 1968 shall be members of the Executive Council.]

[12.3 The Executive Council shall be composed as follows:

(a) The Conference of the States Parties shall designate for membership on the Executive Council the 10 members most advanced in the technology of nuclear energy including the production of source materials, and the [two] member[s] most advanced in the technology of nuclear energy including the production of source materials in each of the following areas [in which none of the aforesaid 10 is located] [the aforesaid ten included]:

1. North America
2. Latin America

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3. Western Europe
4. Eastern Europe
5. Africa
6. Middle East and South Asia
7. South East Asia and the Pacific
8. Far East

(b) The Conference of the States Parties shall [elect to] [designate for] membership of the Executive Council [on a rotational basis as detailed in subparagraph (f) below]:

(i) Twenty members with due regard to equitable representation on the Council as a whole of the members in the areas listed in sub-paragraph (a) of this paragraph so that the Council shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office, and

(ii) one further member from among the members in the following areas:

- Middle East and South Asia
- South East Asia and the Pacific
- Far East

(iii) one further member from among the members in the following areas:

- Africa
- Middle East and South Asia
- South East Asia and the Pacific

(c) The designations provided for in subparagraph (a) of this paragraph shall take place at the first meeting of the Conference and thereafter at regular annual sessions of the Conference, in accordance with IAEA data. Members so designated shall hold office from the end of the session of the Conference at which they were designated until the end of the following regular annual session of the Conference.

(d) The [elections] [designation] provided for in subparagraph (b) of this paragraph shall take place at the first meeting of the Conference and thereafter at regular annual sessions of the Conference. Members so [elected]

[designated] shall hold office from the end of the session of the Conference at which they are [elected] [designated] until the end of the second regular annual session of the Conference thereafter except in the first year, when half of the members shall hold office until the end of the following regular annual session of the Conference, due regard being paid to the established numerical proportions specified in subparagraph (b).

(e) The countries included in each of the geographical areas referred to in this paragraph are listed in Annex [...].]

[(f) The rotational designation provided for in subparagraph (b) of this paragraph shall be done by an alphabetical order of the State Parties in each area, according to the lists mentioned in subparagraph (e) of this paragraph, with the exclusion of States Parties designated under subparagraph (a) of this paragraph. Every designation according to any category mentioned in subparagraph (b) shall be accounted for.]

[(g) A State Party which prefers not to be designated to the Executive Council when its turn arrives, according to subparagraph (b), will submit to the Director General a letter of renunciation. In this case, the next State Party on the area list shall be designated, unless it also submits a letter of renunciation.]

[12.4 The Executive Council shall consist of 65 members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council.

The members of the Executive Council shall be elected by the Conference for a term of two years. In order to ensure the effective functioning of this Treaty, due regard being specially paid to equitable geographical distribution, to the importance of the nuclear technology, as well as to political and security interests, the Executive Council shall be composed as follows, designated by each regional group:

1.	Africa	15 States
2.	Asia	16 States
3.	Eastern Europe	8 States
(on the basis of broader definition of Eastern European States)		
4.	Latin America and the Caribbean	11 States
5.	Western Europe and Others]	15 States

12. The Conference shall:

(d) appoint the Director-General of the [[Technical] Secretariat] [Organization];

[TREATY LANGUAGE ON VERIFICATION

A proposal has been made to entrust the IAEA with verification of compliance with the Treaty (see CD/1232). Should this find approval, all the text on verification would have to be reviewed accordingly.

Working Group 2 has not yet agreed on the organs of the Organization, National Authorities, and their respective tasks (see also WP.57 suggesting an Organization without an Executive Council). Following such an agreement, language in the Treaty and the Protocol would have to be reviewed accordingly.

General Provisions

1.1 In order to ensure verification of compliance with the provisions of this Treaty, a verification regime shall be established consisting of the following elements:

(a) an International Monitoring System, [based on:
- Seismological Monitoring;
- Radionuclide Monitoring;
- Hydroacoustic Monitoring;
- Infrasound Monitoring;
[- Satellite Monitoring;
- EMP Monitoring;]
- (.....);]

(b) Consultation and Clarification;

(c) On-site inspections;

(d) [National or multinational means of verification]; and

(e) [Associated measures] [Transparency measures] [Confidence building measures].

[The verification regime shall be operative [as soon as possible.] [upon the entry into force of this Treaty.]] The arrangements for this [verification regime] are set forth in the Protocol to this Treaty.

1.1 bis In order to fulfil its obligations under this Treaty, each State Party shall designate or establish a National Authority to serve as the national focal point for effective liaison with the Organization and other States Parties. Each State Party shall notify the Organization of its National Authority at the time that this Treaty enters into force for it.

1.3 [The goal of the [stringent, effective and equitable] verification mechanism to be established shall be to detect in a timely manner [and accurately identify] any nuclear [weapon] test [explosion] prohibited under the Treaty. [The International Monitoring System established should possess the technical capacity required to meet this goal.]]

1.3 bis (5.5) [Verification activities shall be carried out on the basis of full respect for the sovereignty of States Parties, and in the least intrusive manner possible consistent with the effective and timely accomplishment of

Centre according to procedures contained in the Protocol.] [The International Monitoring System shall comprise [initially] Seismological Monitoring, Radionuclide Monitoring, Hydroacoustic Monitoring, Infrasound Monitoring, [Satellite Monitoring, EMP Monitoring,]and the international exchange of respective data.]

14. [Each State Party shall have the right to participate in the international exchange of data and to have access to all data made available to the International Data Centre.] [Each State Party shall have a right to transfers of monitoring and data processing techniques possessed by the International Data Centre.] [The International Data Centre shall make available to interested States Parties all techniques it utilizes to compile, process [and analyze] the information it receives from the [verification system] [international monitoring system].]

15. The [Technical Secretariat] [Organization] shall, in cooperation with the States Parties, [coordinate] [set up and operate] the International Monitoring System. This system shall consist [initially] of the monitoring stations, [satellites,] specified in Tables ..., annexed to the Protocol, communication means and [the International Data Centre]. The International Monitoring System shall fulfil the technical and operational [and standardization] requirements specified in [the Protocol.] [and] [the Operational Manuals.]

5.6 [Information obtained by the Organization by means of verification measures established by this Treaty, on-site inspection, notifications, declarations, data exchange, and additional requests for information shall be [provided] [made available] to all States Parties in accordance with the Protocol to this Treaty, unless otherwise agreed. The Organization shall provide for the protection of such information of a proprietary or sensitive nature that is provided to it pursuant to this Treaty.]

16. [A State Party shall cooperate with the Technical Secretariat in establishing and operating monitoring stations and appropriate corresponding means of international communication on its territory, within areas under its jurisdiction or control, or elsewhere in conformity with international law[, in accordance with the procedures in the relevant Operational Manuals]. [The cooperation between the States Parties and the Technical Secretariat shall cover the establishment of new stations and/or upgrades of existing facilities as appropriate.] [For an existing facility, a State Party shall give the Technical Secretariat authority to access the station as specified in the Operational Manuals and the States Parties shall agree to make the necessary changes in the equipment and the operational procedures to meet agreed requirements.] [A State Party shall cooperate with the Technical Secretariat to establish a new monitoring station at a site to be agreed upon.] [The State Party shall also give the Technical Secretariat authority to access the station and shall cooperate with the Secretariat in its routine operation.] The Technical Secretariat shall provide the necessary technical assistance [[as] [if so] requested by a [hosting] State Party] to establish, upgrade, operate and maintain the monitoring stations [satellites]. [The detailed

arrangements for the establishment and the operation of the International Monitoring System are set out in the Protocol to this Treaty.]] 5/

17.1 The Technical Secretariat shall monitor the quality of the networks [satellites] and evaluate their overall performance [in accordance with the procedures set forth in the relevant Operational Manuals] [through routine audit procedures set forth in the Operational Manual and organised in conjunction with the [host] [owning] State Party].

17.2 [The [Executive Council] [Conference of the States Parties] may amend the networks by adding or deleting stations [satellites] [in Tables ... of the Protocol], pursuant to the procedure for changing the Protocol set out in Article ... of the Treaty and Section ... of the Protocol.]

18.1 [The [Technical Secretariat] [International Data Centre 6/] shall [routinely]:]

[The International Data Centre 6/ [as an integral part of the Technical Secretariat,] in a manner detailed in the Protocol to this Treaty, shall [routinely]:]

(a) [receive all data [obtained through the verification regime including] from the International Monitoring System [, as well as other data contributed to the international exchange by States Parties] [and collect additional data];]

[receive and collect all data from the International Monitoring System; receive other data from States Parties and International Organizations as might be contributed to the international data exchange;]

(b) process [and analyze] [on a preliminary basis] [and shall have the exclusive responsibility of analysing all] [the] [this] data [received from the International Monitoring System],

[including a pre-selection of unusual events as defined in the Protocol]

[and preliminarily identify the nature of the suspicious events which the International Monitoring System has detected, pursuant to the technical criteria for event analysis and identification set out in Section ... of the Protocol]

5/ One delegation suggested moving paragraphs 16 through 21 to the Protocol.

6/ One delegation suggested that this paragraph should be part of the General Provisions on verification, and that it should include a sub-paragraph defining the IDC along the following lines: "The International Data Centre is the [focal point] for all data obtained by the verification regime."

[with the aim of identifying, according to pre-defined criteria specified in Part ... of the Protocol, significant events indicating a possible non-compliance with the basic obligations of this Treaty. This analysis shall include the identification of events and a final result. The IDC Bulletin shall be prefaced by an analytical summary.]

[Event identification, using any or all of the data which would be reported to the International Data Centre, shall be the exclusive responsibility of the individual States Parties.]

[process and analyse all data from the International Monitoring System, and [preliminary] identify the nature of significant suspicious events which the International Monitoring System has detected and which may indicate a possible non-compliance with the basic obligations of this Treaty, pursuant to the technical criteria for event analysis and identification set out in Section ... of the Protocol.]

(c) [distribute the results] [make available all data both raw and processed] to all States Parties [and the Executive Council] [within ... days] 7/

(d) store all data, both raw and processed;

[(e) [meet States Parties' independent analysis requirements by giving] [provide to] all States Parties timely access to all stored data, including on-line access at the expense of any State Party requesting such access]; and,

(f) [coordinate] [facilitate] requests for additional data from the International Monitoring System [or other monitoring stations/satellites] [, and make the resulting data available to all States Parties].

[18.2 The procedures to be used by the [Technical Secretariat] [International Data Centre] in discharging these responsibilities shall be elaborated in the relevant Operational Manuals as specified in ...].

20. States Parties may also separately establish cooperative arrangements with the Organization, in order to make available to the International Data Centre supplementary data from national monitoring stations [including] [satellites] which are not formally part of the International Monitoring System. [The conditions under which supplementary data from such facilities (designated "cooperating national facilities") are made available, and under which the International Data Centre might request further or expedited reporting, or clarifications, shall be [agreed upon between the Technical Secretariat and the State Party] [laid down in the Operational Manuals for the respective monitoring network].]

[All supplementary data provided by States Parties from their stations (designated "cooperative national stations") shall be treated and analysed by the International Data Centre with the aim of clarifying the nature of

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7/ Number of days may differ between different monitoring techniques.

significant suspected events which may indicate a possible non-compliance with the basic obligations of this Treaty, pursuant to the technical criteria for event analysis and identification set out in Section ... of the Protocol. This supplementary data shall also serve, together with the International Monitoring System data, for the purpose of defining the perimeter of the inspection area, pursuant to paragraphs 31.3(b) and 31.4(d) of the Protocol.

The technical arrangements under which supplementary data from such stations are made available, including its authentication, and under which the International Data Centre might request further or expedited reporting or clarification, shall be agreed upon between the Organization and the States Parties.]

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PROTOCOL

TO THE COMPREHENSIVE TEST BAN TREATY

SECTION: THE INTERNATIONAL MONITORING SYSTEM

Should a section on the IMS be developed in the Treaty, as suggested in this Draft, the present section on the IMS in the Protocol would have to be cleared of redundancies. Instead, it might be advisable to insert in the Protocol those characteristics and criteria of different parts of the IMS which, for the foreseeable future, should not change.

If so agreed, this section should address the manner to identify and to ensure the possible synergies of different monitoring technologies. Further technical work on this issue might have an impact on the design of the overall International Monitoring System.

Security problems and the authentication of data in the International Exchange of Data should be addressed. Further technical consideration should be given and result in additional language.

Four papers from Groups of Experts providing options for the International Monitoring System were presented by Friends of the Chair:

"Options for the design of a CTBT radioactivity monitoring network, with their most important capabilities and costs: Report of the group of experts on radioactivity to Working Group 1" (CD/NTB/WP.171);

"Options for the design of a CTBT hydroacoustic monitoring network with their most important capabilities and costs: Report of the group of experts on hydroacoustics to Working Group 1" (CD/NTB/WP.172);

"Infrasound monitoring system" (CD/NTB/WP.176);

"Seismic monitoring system" (CD/NTB/WP.177).

The International Monitoring System shall comprise [initially] Seismological Monitoring, Radionuclide Monitoring, Hydroacoustic Monitoring, Infrasound Monitoring, [Satellite Monitoring, EMP Monitoring,][and the international exchange of respective data].

Part 1: <u>Seismological Monitoring</u>

Attention has been drawn to coastal seismic stations suited for the detection of certain underwater events (WP.84). This issue might require further study when developing the seismological monitoring network.

[1. Each State Party to the Treaty undertakes to cooperate in an international exchange of seismological data to assist in the verification of [compliance with] the Treaty. This cooperation [shall] include[s] the

[Part 5: Satellite Monitoring

1. Each State Party undertakes to cooperate with the Organization in the development of satellite monitoring in order to promote compliance with the Treaty.

2. Each State Party undertakes to transmit directly to ground receiving States designated by the Organization all data of relevance to nuclear explosion monitoring obtained by satellites in its possession which have nuclear explosion sensing capabilities.

(Alternatively: Each State Party undertakes to cooperate with the Organization and, on the basis of agreement with the Organization, to carry nuclear explosion sensing equipment provided by the Organization aboard suitable satellites in its possession, and to transmit all data acquired by the nuclear explosion sensing equipment directly to ground receiving stations designated by the Organization.)

3. Each State Party undertakes that, if needed, it shall in collaboration with the Organization establish and operate a satellite ground receiving station or stations on its territory or in places under its jurisdiction or control. The Organization shall provide necessary technical assistance for the construction, operation and maintenance of these ground stations, including the requisite data-receiving and -processing equipment and technology for the satellite monitoring system, and train personnel in the analysis and processing of the satellite data.

4. Each State Party undertakes to transmit completely and on-line satellite monitoring data received and processed at ground station(s) designated by the Organization on its territory and in places under its jurisdiction and control to the International Data Centre.

5. The International Data Centre shall promptly distribute analysed data to all States Parties. States Parties shall have access to the IDC's satellite data at any time.]

[Part 7: EMP Monitoring

A proposal has been made to establish a ground-based electromagnetic pulse monitoring system. It should be designed for recording and real-time processing of EMP signals from nuclear explosions in the atmosphere and near space. Should this proposal be adopted, appropriate language would have to be developed, taking into account further technical work.]

International Monitoring System

3. [The International Monitoring System shall be placed under the authority of the Technical Secretariat. It shall include an International Data Centre and an international network assembling stations [satellites] which are part of international networks and others based on national means, which States Parties may put to the disposition of the international community on a voluntary or contractual basis.] [All monitoring stations of the International Monitoring System are owned and operated by States Parties.]

13.1 [Each State Party to the Treaty undertakes to support the International Monitoring System through its [nationally owned and operated] monitoring stations [satellites] and by providing relevant data to the International Data Centre according to procedures contained in the Protocol.] [The International Monitoring System shall comprise [initially] Seismological Monitoring, Radionuclide Monitoring, Hydroacoustic Monitoring, Infrasound Monitoring, Satellite Monitoring, Optical Monitoring, EMP Monitoring, and the international exchange of respective data.]

14. [Each State Party shall have the right to participate in the international exchange of data and to have access to all data made available to the International Data Centre.]

15. The [Technical Secretariat] [Organization] shall, in cooperation with the States Parties, [coordinate] [set up and operate] the International Monitoring System. This system shall consist [initially] of the monitoring stations, [satellites,] specified in Tables ..., annexed to the Protocol, communication means and [the International Data Centre]. The International Monitoring System shall fulfil the technical and operational [and standardization] requirements specified in [the Protocol.] [and] [the Operational Manuals.]

5.6 [Information obtained by the Organization by means of verification measures established by this Treaty, on-site inspection, notifications, declarations, data exchange, and additional requests for information shall be [provided] [made available] to all States Parties in accordance with the Protocol to this Treaty, unless otherwise agreed. The Organization shall provide for the protection of such information of a proprietary or sensitive nature that is provided to it pursuant to this Treaty.]

16. [A State Party shall cooperate with the Technical Secretariat in establishing and operating monitoring stations and appropriate corresponding means of international communication on its territory, within areas under its jurisdiction or control, or elsewhere in conformity with international law[, in accordance with the procedures in the relevant Operational Manuals]. [The cooperation between the States Parties and the Technical Secretariat shall cover the establishment of new stations and/or upgrades of existing facilities as appropriate.] [For an existing facility, a State Party shall give the Technical Secretariat authority to access the station as specified in the Operational Manuals and the States Parties shall agree to make the necessary changes in the equipment and the operational procedures to meet agreed requirements.] [A State Party shall cooperate with the Technical Secretariat to establish a new monitoring station at a site to be agreed upon.] [The State Party shall also give the Technical Secretariat authority to access the station and shall cooperate with the Secretariat in its routine operation.] The Technical Secretariat shall provide the necessary technical assistance

[[as] [if so] requested by a [hosting] State Party] to establish, upgrade, operate and maintain the monitoring stations [satellites]. [The detailed arrangements for the establishment and the operation of the International Monitoring System are set out in the Protocol to this Treaty.]] 5/

Potential Sub-Heading

17.0 (4.,pg 48) The Technical Secretariat shall coordinate the operation of the monitoring networks established under the International Monitoring System. In this connection, the Technical Secretariat shall:

(a) operate the International Data Centre to process, [analyze] and report on the data gathered by the verification [system] [networks];

(b) supervise and coordinate stations in the monitoring networks;

(c) ensure that the operation of participating stations and their reporting are in compliance with the relevant Operational Manuals;

(d) provide technical assistance in, and support for, the installation and operation of monitoring stations in regions of the world where such assistance and support is needed;

(e) compile and assess the results and experiences of the operation of the monitoring networks.]

17.1 The [Technical Secretariat] [International Data Centre] shall monitor the quality of the networks [satellites] and evaluate their overall performance [in accordance with the procedures set forth in the relevant Operational Manuals] [through routine audit procedures set forth in the Operational Manual and organised in conjunction with the [host] [owning] State Party].

[17.1 (15.4, pg 41) The International Data Centre shall assist in ensuring the proper operation of the international monitoring networks under this Treaty in accordance with the established criteria and standards.

17.2 [The [Executive Council] [Conference of the States Parties] may amend the networks by adding or deleting stations [satellites] [in Tables ... of the Protocol], pursuant to the procedure for changing the Protocol set out in Article ... of the Treaty and Section ... of the Protocol.]

18.0 (2g, pg 47) The Technical Secretariat shall make arrangements, as appropriate, to receive data relevant to this Treaty from national, regional or international data management centres.

18.1 The [Technical Secretariat] [International Data Centre 6/] shall [routinely]:

5/ One delegation suggested moving paragraphs 16 through 21 to the Protocol.

6/ One delegation suggested that this paragraph should be part of the General Provisions on verification, and that it should include a sub-paragraph defining the IDC along the following lines: "The International Data Centre is the [focal point] for all data obtained by the verification regime."

(a) receive all data [obtained through the verification regime including] from the International Monitoring System [, as well as other data contributed to the international exchange by States Parties] [and collect additional data];

[(a.1) (15.2, pg 40; 5.1, pg 48) receive all data from on-site inpsections and on-site visits;]

(b) process [and analyze] [on a preliminary basis] [and shall have the exclusive responsibility of analysing all] [the] [this] data [received from the International Monitoring System],

[including a pre-selection of unusual events as defined in the Protocol]

[and preliminarily identify the nature of the suspicious events which the International Monitoring System has detected, pursuant to the technical criteria for event analysis and identification set out in Section ... of the Protocol]

[with the aim of identifying, according to pre-defined criteria specified in Part ... of the Protocol, significant events indicating a possible non-compliance with the basic obligations of this Treaty. This analysis shall include the identification of events and a final result. The IDC Bulletin shall be prefaced by an analytical summary.]

[Event identification, using any or all of the data which would be reported to the International Data Centre, shall be the exclusive responsibility of the individual States Parties.]

(c) [distribute the results] [make available all data both raw and processed] to all States Parties [and the Executive Council] [within ... days] 7/

(d) store all data, both raw and processed;

[(e) [meet States Parties' independent analysis requirements by giving] [provide to] all States Parties timely access to all stored data, including on-line access at the expense of any State Party requesting such access]; and,

(f) [coordinate] [facilitate] requests for additional data from the International Monitoring System [or other monitoring stations/satellites] [, and make the resulting data available to all States Parties].

18.1-bis (14. pg 65) [Each State Party shall have a right to transfers of monitoring and data processing techniques possessed by the International Data Centre.] [The International Data Centre shall make available to interested States Parties all techniques it utilizes to compile, process [and analyze] the information it receives from the [verification system] [international monitoring system].]

[18.2 The procedures to be used by the [Technical Secretariat] [International Data Centre] in discharging these responsibilities shall be elaborated in the relevant Operational Manuals as specified in ...].

7/ Number of days may differ between different monitoring techniques.

20. States Parties may also separately establish cooperative arrangements with the Organization, in order to make available to the International Data Centre supplementary data from national monitoring stations [satellites] which are not formally part of the International Monitoring System. [The conditions under which supplementary data from such facilities (designated "cooperating national facilities") are made available, and under which the International Data Centre might request further or expedited reporting, or clarifications, shall be [agreed upon between the Technical Secretariat and the State Party] [laid down in the Operational Manuals for the respective monitoring network].]

18.4 [However, data obtained through the International Monitoring System shall serve as the sole basis for event identification. Data acquired through other means, including national technical means, shall be used as supplementary evidence to help clarify the nature of suspicious events detected by the International Monitoring System.]

18.5 [The Executive Council shall, on the basis of the results of the preliminary identification made by the International Data Centre and taking into account all relevant factors, make the determination and judgement on whether the suspicious event is a nuclear weapon test explosion.]

21.1 [To the extent a monitoring station [satellite] provides data to the International Data Centre, the costs of establishing or upgrading the monitoring stations [satellites], the staffing costs, and running costs[, including station security costs] shall be met by the Organization. The Technical Secretariat shall negotiate, on behalf of the Organization, agreements with each State Party [hosting] [owning] monitoring stations [satellites], detailing the arrangements for [meeting upgrade or establishment costs, staffing the stations, and running costs[, including station security costs]]. The agreements between the Organization and the States Parties [hosting] [owning] monitoring stations [satellites] shall be submitted to the Conference for approval. Subsequent amendments to the agreements shall be subject to prior approval by the Executive Council.]

21.2 [The costs of transmitting the data from a monitoring station or from a National Data Centre directly to the International Data Centre shall be met by the Organization. The Technical Secretariat shall negotiate, on behalf of the Organization, agreements with each State Party, as appropriate, detailing the arrangements for the costs of transmitting the data from a monitoring station or from a National Data Centre directly to the International Data Centre. The agreements between the Organization and the States Parties shall be submitted to the Conference for approval. Subsequent amendments to the agreements shall be subject to prior approval by the Executive Council.]

CONFERENCE ON DISARMAMENT

CD/1285
21 December 1994

ENGLISH
Original: ENGLISH and RUSSIAN

LETTER DATED 19 DECEMBER 1994 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE, THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM AND NORTHERN IRELAND TO THE CONFERENCE, THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE CONFERENCE AND THE PERMANENT REPRESENTATIVE OF UKRAINE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF A JOINT DECLARATION OF THE LEADERS OF UKRAINE, RUSSIA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA, AS WELL AS A MEMORANDUM ON SECURITY ASSURANCES IN CONNECTION WITH UKRAINE'S ACCESSION TO THE NON-PROLIFERATION TREATY, SIGNED IN BUDAPEST ON 5 DECEMBER 1994

We have the honour to forward to you the text of a Joint Declaration of the Leaders of Ukraine, Russia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, as well as a Memorandum on Security Assurances in Connection with Ukraine's Accession to the Non-Proliferation Treaty, signed in Budapest on 5 December 1994.

Could you please take the appropriate steps to register these documents as official documents of the Conference on Disarmament, and to have them distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed) Stephen J. Ledogar
Ambassador
United States Representative
to the Conference on
Disarmament

(Signed) Olexander Slipchenko
Ambassador
Permanent Representative
of Ukraine
Head of Delegation

(Signed) Sir Michael C.S. Weston
Ambassador
Permanent Representative
of the United Kingdom
to the Conference on
Disarmament

(Signed) Grigori V. Berdennikov
Ambassador
Permanent Representative
of the Russian Federation
to the Conference on
Disarmament

JOINT DECLARATION OF THE LEADERS OF UKRAINE, RUSSIA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNITED STATES OF AMERICA

The leaders of Ukraine, Russia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America met during the summit meeting of the Conference on Security and Cooperation in Europe.

The leaders discussed the evolution of European security architecture. They underscored their determination to support the increasingly strong tendencies toward the formation of security based on political partnership, and to cooperate in the further development of a security system which embraces all the CSCE states. This will involve the evolution - given the new realities - of transatlantic and regional mechanisms of security in a manner that enhances the security and stability of all CSCE states.

They are committed to continuing the process of building political, military, and economic security in an undivided Europe, in which integration, openness for participation, and transparency are characteristic.

The leaders confirmed that CSCE commitments in the area of human rights, economics, and security represent the cornerstone of the common European security space, and that they help ensure that countries and peoples in this space are not subjected further to the threat of military force or other undesirable consequences of aggressive nationalism and chauvinism.

They noted that the historical changes in the world, including the end of the confrontation between blocs of the "cold war", create favorable conditions for the further strengthening of security and stability on the European continent and for deep reductions in nuclear forces.

In this regard, the leaders discussed the implementation of the Trilateral statement of January 14, 1994. They noted progress in the implementation of this Statement.

The leaders also confirmed that an important contribution to the broader process of strengthening security and stability is also made by such agreements as the Treaty on Conventional Forces in Europe, the Open Skies Treaty, and confidence and security building measures.

MEMORANDUM ON SECURITY ASSURANCES IN CONNECTION WITH UKRAINE'S ACCESSION TO THE NON-PROLIFERATION TREATY

The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Ukraine,

Welcoming the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon state,

Taking into account the commitment of Ukraine to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the Cold War, which have brought about conditions for deep reductions in nuclear forces,

Confirm the following:

1. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of Ukraine.

2. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defence or otherwise in accordance with the Charter of the United Nations.

3. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack

on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Ukraine will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum shall enter into force on the date of its signing and shall be registered pusuant to article 102 of the Charter of the United Nations.

Done at Budapest on 5 December 1994 in four copies. English, Russian and Ukrainian texts of this Memorandum are equally authentic.

FOR THE RUSSIAN FEDERATION

FOR UKRAINE

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

FOR THE UNITED STATES OF AMERICA

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